

This article was downloaded by: [Universite De Paris 1]

On: 24 June 2013, At: 19:35

Publisher: Routledge

Informa Ltd Registered in England and Wales Registered Number: 1072954 Registered office: Mortimer House, 37-41 Mortimer Street, London W1T 3JH, UK



Journal for Maritime Research

Publication details, including instructions for authors and subscription information:

<http://www.tandfonline.com/loi/rmar20>

The slave trade and the origin of international human rights law

Richard Huzzey^a

^a University of Liverpool

To cite this article: Richard Huzzey (2012): The slave trade and the origin of international human rights law, Journal for Maritime Research, 14:2, 139-141

To link to this article: <http://dx.doi.org/10.1080/21533369.2012.726439>

PLEASE SCROLL DOWN FOR ARTICLE

Full terms and conditions of use: <http://www.tandfonline.com/page/terms-and-conditions>

This article may be used for research, teaching, and private study purposes. Any substantial or systematic reproduction, redistribution, reselling, loan, sub-licensing, systematic supply, or distribution in any form to anyone is expressly forbidden.

The publisher does not give any warranty express or implied or make any representation that the contents will be complete or accurate or up to date. The accuracy of any instructions, formulae, and drug doses should be independently verified with primary sources. The publisher shall not be liable for any loss, actions, claims, proceedings, demand, or costs or damages whatsoever or howsoever caused arising directly or indirectly in connection with or arising out of the use of this material.

law to his advantage. Also, his methodology of gradually revealing causes and perspectives, while perhaps replicating the trajectory of his own detective work in the archives to produce new insights, nevertheless leads to repetition. However, this is a scholarly study that gives a valuable, Spanish perspective on piracy in the Caribbean and corroborates reports of pirate customs. It encourages a revision of William Dampier's activities and helps to explain the interpretation of events that Dampier chose to give in the published account of his buccaneering circumnavigation. It also provides insights into the government of Spanish America, the development of international law, and the surprisingly wide-ranging trading networks of the age. Lázaro succeeds in his aim of avoiding 'isolating Latin American colonial history by placing it firmly within Pacific, Asian, and European networks of contact and exchange'.

Margarette Lincoln

National Maritime Museum, Greenwich

Email: MLincoln@rmg.co.uk

© 2012, Margarette Lincoln

<http://dx.doi.org/10.1080/21533369.2012.726442>

The slave trade and the origin of international human rights law, by Jenny S. Martinez, Oxford, Oxford University Press, 2012, 254 pp., US\$29.95 (hardback), ISBN 9780195391626

In 1851 the Prime Minister, Lord John Russell, told Viscount Palmerston, his Foreign Secretary, that they could 'wink at Vattel'.⁴ He referred to Emerich de Vattel, the eighteenth-century scholar of the law of nations, whose principles might be helpfully ignored – or 'winked' at – in order to help the Royal Navy complete its mission to suppress the Atlantic slave trade. This new book fully investigates the legal system supporting the maritime interception of slave traders. Jenny S. Martinez is a distinguished human rights lawyer, who worked for the United Nations and brought a case to the US Supreme Court before taking up her current position at Stanford Law School. Although Martinez seeks to educate her fellow lawyers about the origins of international human rights law, her thoughtful and insightful historical investigation will appeal to a far broader range of readers.

The book is cleverly organised and very well written. A particularly beautiful vignette, in the introduction, weaves the story of Samuel Adjai Crowther's liberation by HMS *Myrmidon* into a more general nod towards the central themes of those chapters that follow. These neatly unpack different aspects of the consequent legal innovations that marked the slave trade suppression campaign. The volume is undeniably slim, at just 170-odd pages of text, but brevity is an underrated virtue among both historians and lawyers. Its short length gives the book an enviably punchy, clear focus. It is, though, a great shame that the publisher skimmed on a bibliography, which diminishes, however slightly, the opportunities for students who wish to follow Martinez's argument to the wider historiography from which she draws.

It is a professional obligation for a historian reviewing a work inflected with social scientific and legal theory to make snide and petty remarks about minor liberties taken with historical detail. Indeed, there are some occasional, undeveloped references to a singular 'anti-slavery movement' (15–16) which sit uneasily with the national and ideological divisions between abolitionists, not least over the role of naval suppression. However, as the

relationship between popular politics and international law is not central to Martinez's argument, this is an understandable simplification. Moreover, her approach allows her to make some broader observations about humanitarianism and judicial authority which will ensure this volume becomes a foundational text for future researchers in this field.

For Martinez, slave trade suppression has larger implications for human rights law, promoting as it did an international legal responsibility for those whose rights were violated (135). This is an important departure from her fellow legal historians' focus on the early twentieth century and the post-war Nuremberg Trials as the crucial period in defining 'crimes against humanity'. Besides demonstrating the use of this language more than a hundred years before then, she suggests that anti-slave trade measures are an important proof that moral sentiment, not only *realpolitik*, shaped international law, drawing suggestive parallels with America's non-participation in the International Criminal Court. To do all this and retain historical sensitivity to the different circumstances facing the United States today is some mean feat, but she accomplishes it.

The ideas are convincing, but her conclusion provokes some further questions, which Martinez or her peers will hopefully pursue in the future. While she sees Britain's innovative use of international courts and reciprocal treaties as a template for international diplomacy and shared sovereignty, her own careful research highlights the limits of this interpretation. Martinez notes the importance of Vice-Admiralty Courts in captures during the last few decades of the Brazilian slave trade and the consequent neglect of the mixed commission treaty system. Britain's legal imperialism, claiming the right to try Portuguese and Brazilian ships in British courts, and the fact that international courts were founded on bilateral not multilateral treaties, hint that national power was a crucial feature of the system. In this way, the British approach relied on securing promises from other nations, followed by the aggressive exploitation of the powers conceded. That British lawyers bothered to acquire treaties or fabricate permission for the Royal Navy suggests that, in the case of 'civilised' western powers, bilateral jurisdiction had to be extracted at the cannon of a gunboat, or concocted through legal trickery, rather than asserted as a universal, natural *right* by Britain.

Moreover, respect for international law and supranational jurisdictions did not necessarily go hand in hand with effective suppression. David Eltis long ago suggested that high-handed bullying played a large part in British successes; perhaps the suppression of the Atlantic slave trade highlights the unilateral importance of swaggering superpowers, rather than the more appealing prospect of deliberative, multilateral co-operation.⁵ That offers a more troubling suggestion for modern human rights law. Further consideration of the consequences of these anti-slavery legal innovations for African sovereignty could have drawn out this problem, perhaps by integrating Robin Law's argument that suppression off the west coast of Africa laid the groundwork for later dispossessions of African sovereignty and statehood.⁶ Indeed, the larger interpretative points would have become richer if the book had considered international anti-slavery law after 1870, amid eastern and central Africa's slave trades, although the author's choice of chronology is understandable and gives the argument a tight efficiency.

The international politics of slave trade suppression proved not only that 'a combination of military force, international law, and moral persuasion is most effective' (180) but that the pressures of achieving results led to abuse of the principles of intergovernmental co-operation. That should offer succour to neither isolationists nor interventionists but, rather, ought to frighten and disturb anybody concerned with human rights and the rule of international law. Moral ends and the rule of law are both important, but often hard to square. It is what Russell was excusing when he wanted to 'wink' at the rights of other countries. And even if Martinez could pay more attention to this paradox, it is thanks to her that future scholars

will have a better chance to see these conflicts and so prove less likely to flatter Russell's winking.

Richard Huzzey

University of Liverpool

Email: r.huzzey@liverpool.ac.uk

© 2012, Richard Huzzey

<http://dx.doi.org/10.1080/21533369.2012.726439>

Notes

4. Broadlands Manuscripts, University of Southampton, Palmerston papers, GC/RU/424, Russell to Palmerston, 24 September 1851. I am grateful to Peter Jones for drawing my attention to this reference in his forthcoming work on Russell and Palmerston's political relationship.
5. David Eltis, *Economic growth and the ending of the transatlantic slave trade*. Oxford: Oxford University Press, 1987, 122.
6. Robin Law, 'Abolition and imperialism: international law and the British suppression of the Atlantic slave trade'. In *Abolitionism and imperialism in Britain, Africa and the Atlantic*, edited by Derek R. Peterson, 150–74. Athens, OH: Ohio University Press, 2010.

Empire to nation: art, history and the visualization of maritime Britain, 1768–1829, by Geoff Quilley, New Haven and London, Yale University Press, 2011, 294 pp., 105 b/w and colour illustrations, £40.00 (hardback), ISBN 9780300175684

Art historians have become increasingly alert to the position of maritime and military imagery in constructing narratives of empire in the late eighteenth and early nineteenth centuries. In that period, maritime painting was sometimes seen as something of a poor relation of 'fine' art. It was acknowledged but marginalised in favour of landscape, genre and portrait painting, and that attitude has been slow to change. The author of the book under review has been at the forefront of a progressive reconsideration of paintings depicting ships, the sea and maritime endeavour.

For Quilley, an assessment of the visualisation of the maritime (in respect of a nation that owed its prosperity, power and security to the combination of seaborne trade and the 'wooden walls' of the navy) permits him to investigate images of travel, exploration and battle. The chosen images also allow Quilley to touch on subjects such as slavery and the black presence in the maritime service and the role of shipwreck scenes in constructing concepts of masculinity and nationalism. Thus, in relation to James Northcote's dramatic set-piece, 'Portraits of the officers and men who were preserv'd from the wreck of the *Centaur*', the author points out the omission of any sign of the black presence frequently to be found in reality among the crew of vessels plying the Atlantic. This is intriguing, especially given that black sailors were depicted by contemporaries such as John Singleton Copley in 'Watson and the shark', and leads to a discussion of 'the invisible black presence' in the imagery of the 'circum-Atlantic' world (117).

The book is far from being a straightforward, synoptic account of its ostensible topic, nor is it an empirical survey. In eight case studies, Quilley explores how maritime imagery informed, reflected and was part of a discourse, the focus of which shifted from a 'maritime empire of discovery and encounter' in the 1770s to 'a nationalism that absorbed British maritime enterprise as part of an increasingly trenchant and moralised account of national history' by the 1800s (11). Being based around visual imagery the book is extensively illustrated, although not all works